

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 18 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: FLUENT, INC., a Delaware corporation; et al.

FLUENT, INC., a Delaware corporation; et al.,

Petitioners,

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

MIRA BLANCHARD, an individual; et al.,

Real Parties in Interest,

v.

RYAN COOPER, an individual,

Real Party in Interest.

No. 18-72764

D.C. No. 3:17-cv-04497-MMC
Northern District of California,
San Francisco

ORDER

Before: LEAVY, BYBEE, and HURWITZ, Circuit Judges.

Petitioners' petition for a writ of mandamus seeks review of the district court's order remanding the underlying action to state court based on lack of subject-matter jurisdiction. We lack jurisdiction to consider this petition. *See* 28 U.S.C. § 1447(c)

(district court shall remand case to State court if district court lacks subject matter jurisdiction); § 1447(d) (“An order remanding a case to the State court from which it was removed is not reviewable on appeal *or otherwise . . .*” (emphasis added)); *cf.* *Powerex Corp v. Reliant Energy Servs., Inc.*, 551 U.S. 224, 234 (2007) (holding that when district court “relied upon a ground [for remand] that is colorably characterized as subject-matter jurisdiction, appellate review is barred by § 1447(d)’’); *Kircher v. Putnam Funds Trust*, 547 U.S. 633, 642 (2006) (where remand order is based on one of the § 1447(c) grounds, “review is unavailable no matter how plain the legal error in ordering the remand” (citations and internal quotation marks omitted)).

The petition for a writ of mandamus is dismissed.

DISMISSED.